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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

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**DATE:** May 31, 2005

**RE:** Conf. No. 4023; Serial No. 10/622,207; Filed: July 18, 2003; For: Method and Apparatus for Performing Catheter-Based Annuloplasty; Applicants: Edwin J. Hlavka et al.; Our Ref. No.: MICO-06C

**TO:** Examiner William H. Matthews **FROM:** Kevin G. Rooney  
Group Art Unit 3739

**FAX NO.:** 703-872-9306

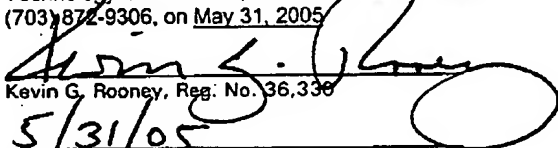
**TOTAL PAGES:** 16  
(including cover sheet)

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**MESSAGE/COMMENTS****OFFICIAL****PLEASE DELIVER TO EXAMINER MATTHEWS IMMEDIATELY**

Enclosures: Amendment Transmittal (in duplicate) with authorization to charge deposit account for two month extension  
Amendment (9 pgs.)

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<p align="center"><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b></p> <p>I hereby certify that this correspondence for Application No. 10/622,207 is being facsimile transmitted to Technology Center 3738, via Central Fax Number (703) 872-9306, on May 31, 2005.</p> <p> Kevin G. Rooney, Reg. No. 36,338</p> <p><u>5/31/05</u> Date</p>
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**PATENT****RECEIVED  
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Applicants: Edwin J. Hlavka et al.  
Ser. No.: 10/622,207  
Filed: July 18, 2003  
Group Art No.: 3739  
Examiner: William H. Matthews  
For: METHOD AND APPARATUS FOR PERFORMING CATHETER-BASED ANNULOPLASTY  
Confirmation No.: 4023  
Atty Ref.: MICO-06C

Cincinnati, Ohio 45202

May 31, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.
2.   X   Small Entity status is claimed.  
       Other than a Small Entity.

06/02/2005 AMONDAF1 00000051 233000 10622207

01 FC:2252 225.00 DA

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	10	MINUS	12	= 0	x \$50	\$0	x \$25	\$0
INDEP.	2	MINUS	2	= 0	x \$100	\$0	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$180	\$0	+ \$360	\$0
TOTALS					TOTAL FEE	\$	TOTAL FEE	\$0

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

  x   No additional fee for claims is required.

4. Attached is a check in the sum of \$           .

       Please charge my Deposit Account No. 23-3000 in the amount of \$           .

A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a)   X   Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
_____	one month	\$ 120.00	\$ 60.00
<u>X</u>	two months	\$ 450.00	\$225.00
_____	three months	\$1,020.00	\$510.00
_____	four months	\$1,590.00	\$795.00

X Charge fee to Deposit Account No. 23-3000. A duplicate of this petition is attached.

\_\_\_\_\_ Attached is a check in the amount of \$\_\_\_\_\_ for the two month extension fee as required by 37 C.F.R. § 1.17(c)

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_\_\_ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

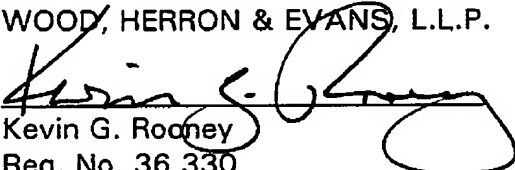
OR

(b) \_\_\_\_\_ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

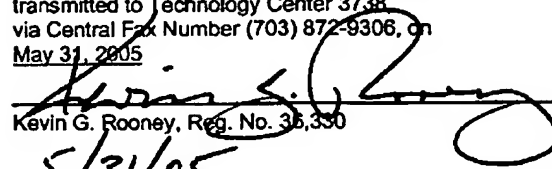
  
Kevin G. Rooney  
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MAY 31 2005

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence for  
Application No. 10/622,207 is being facsimile  
transmitted to Technology Center 3738  
via Central Fax Number (703) 872-9306, on  
May 31, 2005

  
Kevin G. Rooney, Reg. No. 36,350

5/31/05  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Edwin J. Hlavka et al.  
Ser. No.: 10/622,207  
Filed: July 18, 2003  
Group Art No.: 3739  
Examiner: William H. Matthews  
For: METHOD AND APPARATUS FOR PERFORMING CATHETER-  
BASED ANNULOPLASTY  
Confirmation No.: 4023  
Atty Ref.: MICO-06C

Cincinnati, Ohio 45202

May 31, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

**AMENDMENT**

In response to the Office Action mailed December 28, 2004, please  
amend the application as follows:

Amendments to the Claims begin on page 2.

Remarks begin on page 5.